

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

.....
HUGH SKERKER and WILLIAM P. GARDNER, III,

Plaintiffs,

- against -

**Amended Judgment of Plaintiff
William P. Gardner, III**

Civil Action No. 05-CV-0978

THE TOWN OF COLONIE , MARY BRIZZELL,
JONATHAN POLITIS, ARNIS ZILGME,
MICHELE MERCADANTE and KENNETH M. FUCHS,

Defendants.
.....

Plaintiffs Hugh Skerker and William P. Gardner, III, having commenced an action in the United States District Court for the Northern District of New York against defendants, and

Defendants Town of Colonie, Mary Brizzell, Jonathan Politis, Arnis Zilgme, Michele Mercadante and Kenneth M. Fuchs having tendered a Federal Rules of Civil Procedure Rule 68 offer of judgment to plaintiff William P. Gardner, III, on August 16, 2005, in the amount of \$21,000.00, together with legal fees and costs incurred to the date of said Rule 68 offer, and

Plaintiff William P. Gardner, III, having accepted defendants' Federal Rules of Civil Procedure Rule 68 offer of judgment on August 23, 2005, and

Defendants Town of Colonie, Mary Brizzell, Jonathan Politis, Arnis Zilgme, Michele Mercadante and Kenneth M. Fuchs having filed said offer and acceptance in United States District Court for the Northern District of New York, and the court having entered a judgment pursuant thereto on September 14, 2005 for \$21,000.00 plus attorney's fees for an amount to be determined, and

Whereas, the party's have stipulated to attorneys' fees in the amount of \$17,897.99 through August 15, 2005 and therefore agree that an amended judgment inclusive of 42 U.S.C. §1988 legal fees and expenses for plaintiff William P. Gardner, III shall be entered in the United States District Court for the Northern District of New York in the amount of \$38,897.99 on behalf of William P. Gardner, III, as plaintiff, against the Town of Colonie, Mary Brizzell, Jonathan Politis, Arnis Zilgme, Michele Mercadante and Kenneth M. Fuchs, as defendants, for William P. Gardner, III's claims against defendants as alleged in the complaint, and

Now, therefore, it is the judgment and order of this Court as follows:

Plaintiff William P. Gardner, III, shall have a total judgment against defendants Town of Colonie, Mary Brizzell, Jonathan Politis, Arnis Zilgme, Michele Mercadante and Kenneth M. Fuchs in the sum of \$38,897.99 in full satisfaction of William P. Gardner, III's claims against defendants as alleged in the complaint, this judgment

representing the full judgment on behalf of William P. Gardner, III, including his attorneys' fees, and superceding the judgment of September 14, 2005, which did not include a computation of his attorneys' fees; and it is hereby

ORDERED, ADJUDGED and DECREED that the Clerk of the United States District Court for the Northern District of New York shall enter an amended judgment for plaintiff William P. Gardner, III against defendants Town of Colonie, Mary Brizzell, Jonathan Politis, Arnis Zilgme, Michele Mercadante and Kenneth M. Fuchs in the total sum of \$38,897.99; and it is further

ORDERED, ADJUDGED and DECREED, that plaintiff William P. Gardner, III shall have execution thereof.

Dated: September 30, 2005


Clerk of the Court, U.S.D.C.N.D.N.Y.